

DETAILED ACTION

1. In the amendment filed March 09, 2009 the examiner acknowledges the following:

- a. Claims 1 - 32 have been cancelled.
- b. Claims 33 - 36 are new and they are related to the other embodiments of the disclosure (See discussion below).

Regarding Claims 33 - 36:

Election by Original Presentation

2. Newly submitted claims 33 - 36 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 33 and 36 include limitations that are different from the previous arrangement of the invention disclosed in claim 1 (image signal generation unit 10 (Fig 1) comprising the encoder circuit of Fig 2 as seen in paragraphs [0030 – 0060]). Claims 33 and 36 are related to the other embodiments of the disclosed invention such as the second embodiment as disclosed by applicant.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 33 - 36 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on March 09, 2009 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they are related to a non-elected invention as disclosed by applicant.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Contact

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARLY CAMARGO whose telephone number is (571)270-3729. The examiner can normally be reached on 6:00AM - 10PM, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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